

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
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-v- :
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RICHARD CASTRO, :
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:
Defendant. :
:
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19Cr0193 (DLC)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/22/2020</u>

DENISE COTE, District Judge:

On May 18, 2020, counsel for defendant Richard Castro filed an unopposed motion seeking to adjourn the June 4, 2020 sentencing date. The application is granted. This Order responds to certain assertions in the May 18 motion and adjourns the sentencing date to **July 16, 2020 at 10 a.m.**

The defendant pled guilty on July 25, 2019 to Counts One and Three of the Indictment pursuant to a written plea agreement with the Government. In that agreement, the parties stipulated to a Sentencing Guidelines range of 210 to 262 months' imprisonment. The agreement acknowledged that the defendant faces a mandatory term of 120 months' imprisonment. Sentencing was originally set for October 25, 2019. On October 11, 2019, the Court granted the parties' request to adjourn the sentence. On April 9, 2020, the sentence was set for June 4. On April 17, 2020, the final Presentence Investigation Report was disclosed to the parties and filed.

The May 18 motion indicates that defense counsel wishes to have witnesses travel to New York and provide testimony to the Court during a sentencing proceeding. Because of the COVID-19 pandemic, such travel is not presently possible and defense counsel indicates that he has not been able to confer adequately with the defendant in preparation for the sentencing proceeding. Defense counsel also refers to the fact that inmates are not currently being moved to their designated institutions for the service of their sentence.

Defense counsel is advised that the Bureau of Prisons will begin in the near future moving sentenced inmates to their designated institutions. Family members and friends of the defendant may submit letters in support of the defendant in connection with a sentencing proceeding, but they will not be permitted to speak at the proceeding. To the extent defense counsel has encountered difficulty in communicating with his client, he should seek assistance from the Assistant United States Attorney and if necessary from this Court.


A defendant may also elect to be sentenced in open court or to be sentenced through a videoconference in which all participants will appear remotely. A form waiving the defendant's right to be present in court for his sentencing is attached.

IT IS HEREBY ORDERED that sentencing is adjourned to
July 16, 2020 at **10 a.m.**

IT IS FURTHER ORDERED that the Government's submission
regarding sentence shall be due **July 2, 2020** and the defendant's
submission shall be due **July 9**.

IT IS FURTHER ORDERED that defense counsel shall advise the
Court by **June 26, 2020** whether the defendant wishes to waive his
right to appear in court and to proceed to be sentenced through
a videoconference.

Dated: New York, New York
May 22, 2020



DENISE COTE
United States District Judge